

October 8, 2021 1:39 PM

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FLEET ENGINEERS, INC.

a Michigan Corporation,

Plaintiff

V.

MUDGUARD TECHNOLOGIES, LLC

a Tennessee limited liability Company

TARUN N. SURTI

an Individual

Defendant

Case No. 1:12-CV-1143
Hon. Paul L. Maloney

**MOTION TO COMPLETE, ALTER OR AMEND
AN UNFINISHED JUDGMENT BY THE JURY****I. INTRODUCTION**

Defendants MOVES THIS Court to Complete, Alter or Amend the unfinished judgment by the Jury. ECF No. 370 PageID.3935 according to the Rule 59. Surti. A Pro Se request this Court to correct the Rule if it is incorrect and not reject his motion on technicality.

Surti had raised his concern with this Court regarding the confusing format of Question No. 2 and table created for Jury to answer. This Court rejected Surti objection that resulted in Jury verdict of "n/a".

In its "claim construction opinion" this Court stated, "*The patent does require the vanes and channels run perpendicular to the road surface.*" ECF No.60 PageID.400

The opinion of the Court was based on Plaintiff's arguments that the four quadrants rotated at 45 degrees in a clockwise and or anti-clockwise divert water and debris sideways and not to the ground as

claimed by Surti. The Court agreed with the Plaintiff, “*Although Defendants suggest that a mudflap can have downwardly inclined channels that are not perpendicular to the road and that end at the bottom of the mudflap, rather than the side, Defendants offer no examples of such a mudflap.*” ECF No.60 PageID.396

During the Jury Trial, Surti presented his “clear and convincing evidences” that Plaintiff’s AeroFlap “Group B” do have downwardly inclined channels that are not perpendicular to the road and that end at the bottom of the mudflap, rather than the side.

Surti patent claim did not use word like “perpendicularly extending”, instead used the word “vertically extending” for a reason. Vertically extending also means a “line above horizon that extend vertically at any angle, including 45 degrees”.

The undisputed, clear and convincing evidences such as Plaintiff drawing FLEET001316 and its part no. 033-08002 confirm that Plaintiff’s AeroFlap “Group B” do have downwardly inclined channels that are not perpendicular to the road and that end at the bottom of the mudflap, rather than the side.

A jury of seven were able to confirm the infringement within several hours that this judicial system took nine plus years. This decision is no brainer and this Court should be able to confirm it within house and not months and years.

Therefore, Surti humbly request this Court to Complete, Alter or Amend an unfinished judgment of the Jury for the infringement under Doctrine of Equivalents.

Respectfully submitted,

Date: October 8, 2021

By Tarun N. Surti
Tarun N. Surti
Defendant
5928 Westheimer Drive
Brentwood, TN 37027
Tel: 615-812-6164
Email: vflaps@gmail.com